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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,303	08/11/2006	Takashi Kanai	F-9144	6060
7590 Jordan and Hamburg 122 East 42nd Street New York, NY 10168		11/07/2008	EXAMINER BAYOU, AMENE SETEGNE	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 11/07/2008 DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/589,303	KANAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AMENE S. BAYOU	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08/11/2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "fluid dynamic bearing ",in claims 1-4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1 and 4 are objected to because of the following informalities: Both claims recite “preventing to hit the case body”. The phrase creates confusion and needs to be rewritten. Possible suggestion is ‘preventing touching the case body” or “preventing hitting the case body”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Both claims recite “suction mouth formed at least one side surface thereof ”. The suction mouth denoted as (3) and clearly shown in figures 17 and 18 is a hole and thus could not form a side surface of the fan casing. Based on the disclosure we understood the phrase to mean “suction mouth formed at least at one side surface thereof ”.Appropriate correction is required

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita (US patent number 6236129).

7. In re claim 1, Yamashita '129 discloses a motor with hydrodynamic bearing including:

- An air blower (having impeller 8),in figure 1-3 comprising: a case body (1) having an air suction mouth (19) formed at least at one side surface thereof and an outlet (30) formed at a peripheral wall thereof ;a motor (having stator 3 and rotor 11) which is installed into the case body (1) , having a fluid dynamic bearing (13 and 17,in column 5,lines 8-30) ; and an impeller (8) which is fixed to a rotation member (11) of the motor in order to locate at an outer circumferential part of the motor (rotor 11 is the outer circumferential part of the motor), suctioning air from the air suction mouth (19) by rotating and discharging from the outlet (30).

8. In re claim 2, Yamashita '129 discloses a motor with hydrodynamic bearing including:

- An air blower (having impeller 8),in figure 1-3 comprising: a case body (1) having an air suction mouth (19) formed at least at one side surface thereof and an outlet (30) formed at a peripheral wall thereof ;a motor (having stator 3 and rotor

11) which is installed into the case body (1), having a fluid dynamic bearing (17,in column 5,lines 8-30); and an impeller (8) which is fixed to a rotation member (11) of the motor in order to locate at an outer circumferential part of the motor (rotor 11 is the outer circumferential part of the motor), suctioning air from the air suction mouth (19) by rotating and discharging from the outlet (30); and means for blocking an extreme movement of the impeller (thrust bearing 18,in figure 3 and column 5,lines 50-52) to a thrust direction and preventing touching the case body (1).With regards to the “means for blocking an extreme movement of the impeller to a thrust direction”. the limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 USC 112 6<sup>th</sup> paragraph. Yamashita ‘129 discloses thrust support structure(18) which is considered to be an equivalent to applicant’s “means for blocking an extreme movement of the impeller to a thrust direction” because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant’s specification. See MPEP 2183

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita '129 in view of McMahan (US patent number 2171342).

11. In re claim 3 and 4 Yamashita '129 discloses a motor with hydrodynamic bearing including:

- An air blower (having impeller 8), in figure 1-3 comprising: a case body (1) having an impeller storage room ; a motor (having stator 3 and rotor 11) which is installed into the case body (1) , having a fluid dynamic bearing (13 and 17,in column 5,lines 8-30) ; and an impeller (8) which is fixed to a rotation member (11) of the motor in order to locate at an outer circumferential part of the motor (rotor 11 is the outer circumferential part of the motor), air suction mouth (19) formed in the case body (1) , sucking air into the impeller storage room by rotation of the impeller (8) ;and a discharge channel (channel up to discharge hole 30) provided at the case body (1),discharging air which is sucked inside the impeller storage room to exterior portion by rotation of the impeller (8).

Yamashita '129 ,however fails to disclose the following limitation of claim 3 and 4 which is taught by McMahan '342:

An intake silence channel (2) including at least one silence room (7),in figure 1 and page 1,column 1,lines 22-26).

12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fan of Yamashita '129 by including an inlet muffler as taught by McMahan '342 to dampen noise and vibration.

13. In re claim 4, Yamashita '129 in view of McMahan '342 discloses the claimed invention:

Yamashita '129 discloses:

- An air blower (having impeller 8),in figure 1-3 comprising: a case body (1) having an air suction mouth (19) formed at least at one side surface thereof and an outlet (30) formed at a peripheral wall thereof ;a motor (having stator 3 and rotor 11) which is installed into the case body (1) , having a fluid dynamic bearing (17,in column 5,lines 8-30) ; and an impeller (8) which is fixed to a rotation member (11) of the motor in order to locate at an outer circumferential part of the motor (rotor 11 is the outer circumferential part of the motor), and means for blocking an extreme movement of the impeller (thrust bearing 18,in figure 3 and column 5,lines 50-52) to a thrust direction and preventing touching the case body (1); air suction mouth (19) formed in the case body (1) ,sucking air into the impeller storage room by rotation of the impeller (8); a discharge channel (channel up to discharge hole 30) provided at the case body (1),discharging air which is sucked inside the impeller storage room to exterior portion by rotation of the impeller (8). With regards to the "means for blocking an extreme movement of the impeller to a thrust direction". the limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 USC 112 6<sup>th</sup>

paragraph. Yamashita '129 discloses thrust support structure(18) which is considered to be an equivalent to applicant's "means for blocking an extreme movement of the impeller to a thrust direction" because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183

McMahan '342 discloses:

- An intake silence channel (2) including at least one silence room (7),in figure 1 and page 1,column 1,lines 22-26).

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amene S. Bayou whose telephone number is 571-270-3214. The examiner can normally be reached on Monday-Thursday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/  
Supervisory Patent Examiner, Art  
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